

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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RICKY JOSHUA BENNY,

Plaintiff,

- against -

THE CITY OF LONG BEACH, et al.,

Defendants.  
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Rule 26 Disclosure

20-cv-1908 (KAM)(ST)

Defendants CITY OF LONG BEACH, CITY OF LONG BEACH POLICE DEPARTMENT, ROCCO WALSH, and JOSEPH WIEMANN, through their attorneys Bond, Schoeneck & King, PLLC, provide the following disclosures pursuant to Rule 26 of the Federal Rules of Civil Procedure. Defendants reserve the right to supplement these disclosures as needed to identify additional witnesses and/or documents or other materials on which Defendant may rely:

**INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT THE DEFENDANT MAY USE TO SUPPORT ITS DEFENSES:**

1. P.O. Rocco Walsh
2. P.O. Joseph Wiemann
3. P.O. Ryan Kraemer
4. P.O. John Leddy
5. P.O. John Roll
6. P.O. Ryan Branch
7. Sgt. Lee Nielsen
8. Lt. Richard Dipalma

Contact information for the foregoing individuals is as follows:

c/o Corporation Counsel of the City of Long Beach  
1 West Chester Street  
Long Beach, New York 11561

All of the individuals identified above may have information or personal knowledge of the alleged incident and claims based upon either their presence at the scene(s), their interaction with Plaintiff, their encounter with Plaintiff, their observations of Plaintiff, their medical treatment of Plaintiff, and/or discussions and/or review of related paperwork.

Defendants represent that they have yet to engage in discovery and, therefore, are not fully aware of information possessed by certain individuals. Defendants reserves the right to supplement this disclosure and/or to rely upon individuals disclosed by Plaintiff.

Defendants will voluntarily disclose additional individuals who are likely to have discoverable information that Defendants may use to support their claims or defenses, unless solely for impeachment or unless Plaintiff is already aware of those individuals and/or individuals have already been identified to or by Plaintiff pursuant to other discovery (interrogatories, depositions, requests for production of documents, etc.).

**DOCUMENTS DEFENDANT MAY USE TO SUPPORT ITS DEFENSES:**

- (a) Arrest and arrest-related paperwork;
- (b) Transcripts of court proceedings;
- (c) Certificate(s) of disposition;
- (d) Witness statements;
- (e) Judicial decisions and filings related to Plaintiff;
- (f) Videos;
- (g) City Court and District Court filings.

Defendants represent that they have yet to engage in discovery and, therefore, are not fully aware of all documents that may be used to support their defense. Defendants reserve the right to supplement this disclosure as further information might become available to them.

**COMPUTATION OF DAMAGES:**

Not applicable.

**DISCLOSURE OF INSURANCE AGREEMENTS:**

Berkley Insurance Company  
PEM 0000045-03

Policy Limits: \$5,000,000  
SIR

General Liability	\$500,000
Public Official, Employment Practices	\$150,000

**ADDITIONAL INFORMATION:**

These disclosures represent Defendants' good-faith effort to provide the information required under Rule 26(a)(1) of the Federal Rules of Civil Procedure. Defendants reserve the right to amend and/or supplement this disclosure to provide such other, additional, or different information as may become known during the pendency of this action. Defendants reserve their right to withhold any documents subject to protection under the work-product doctrine, attorney-client or other privilege. This disclosure is made subject to and without waiving the right of Defendants to object to the discovery, use, and/or admissibility of any document or testimony by any witness listed herein on any basis in this action or any other proceeding.

Dated: New York, New York  
January 22, 2021

BOND, SCHOENECK & KING, PLLC

By: 

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